

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, MAY 5, 2003 AT 1:30 P.M.**

The Meeting was called to order at 1:30 p.m. Present: Council Chairperson Cook; Council Members: Camp, Friendt, McRoy, Seng, Svoboda, Werner, Joan Ross, City Clerk.

Council Chair asked all present to stand and recite the Pledge of Allegiance and reflect for a moment of silent meditation.

READING OF THE MINUTES

MCROY Having been appointed to read the minutes of the City Council proceedings of April 28, 2003, reported having done so, found same correct.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

PUBLIC HEARING

MANAGER APPLICATION OF DOUGLAS B. MORRIS FOR BUGGY BATH EAST L.L.C. DBA "BUGGY BATH CAR WASH EAST" AT 8350 NORTHWOODS DRIVE;

MANAGER APPLICATION OF DOUGLAS B. MORRIS FOR BUGGY BATH WEST L.L.C. DBA "BUGGY BATH CAR WASH WEST" AT 1502 WEST O STREET - Douglas B. Morris, 600 Sunnyslope Rd, came forward, took the oath and answered questions posed by Council member Werner regarding taking care of two locations and if the second manager had training as of this date. Mr. Morris assured council that his other manager would be taking the Responsible Hospitality Class.

Bob Van Valkenburg, 7921 Reno Road, came forward in a neutral position. He suggested other states make sure that the training is in place before the liquor license is approved.

This matter was taken under advisement.

APPLICATION OF J.J. KAT, INC. DBA "BREWSKY'S FOOD & SPIRITS" FOR A CLASS "I" LIQUOR LICENSE AT 201 NORTH 8TH STREET;

MANAGER APPLICATION OF BRIAN D. KITTEN FOR J.J. KAT, INC. DBA "BREWSKY'S FOOD & SPIRITS" AT 201 NORTH 8TH STREET - Brian D. Kitten, 1955 So. Pershing Road, came forward, took the oath and answered questions posed by Council members McRoy and Werner regarding training and the number of managers. Mr. Kitten stated all of his managers have been through the training and the reason for the license being in his name for several locations was due to the high turn over in this business.

This matter was taken under advisement.

AMENDING CHAPTER 2.76 OF THE LINCOLN MUNICIPAL CODE RELATING TO PREGNANCY LEAVE AND REPRIMAND TO BE CONSISTENT WITH FEDERAL REGULATIONS AND TO INCLUDE EMPLOYEES NOT COVERED BY A UNION AGREEMENT - Georgia Glass, Personnel Director, came forward to explain that these changes would bring our Lincoln code into compliance with that of Federal codes.

Councilman Werner asked if there are any costs in doing this. Ms. Glass responded there would be.

This matter was taken under advisement.

CHANGE OF ZONE 3402 - APPLICATION OF DR. DALE CAPEK FOR A CHANGE OF ZONE FROM R-2 RESIDENTIAL DISTRICT TO O-2 SUBURBAN OFFICE DISTRICT ON PROPERTY GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF SOUTH 48TH AND F STREETS - Dr. Dale Capek, 2321 The Knolls, came forward in favor of this application.

Josh Shower, Attorney, Perry Law Firm, 233 S. 13th, Ste 1400, came forward in favor.

This matter was taken under advisement.

DECLARING APPROXIMATELY 1.2 ACRES OF PROPERTY GENERALLY LOCATED AT THE SOUTHWEST CORNER OF SUPERIOR STREET AND LEWIS AVENUE AS SURPLUS AND AUTHORIZING THE SALE THEREOF - Stephen Henrichsen, Planning Dept., came forward to explain the situation of this property.

Councilman Friendt asked who had deeded this property. Mr. Henrichsen stated it had been Mr. and Mrs. Hyde. He also asked if we are charging Lincoln Public Schools for this. Mr. Henrichsen indicated that Parks and Rec is working in conjunction with Lincoln Public Schools for an agreement to trade properties.

This matter was taken under advisement.

CHANGE OF ZONE 3396 - APPLICATION OF BOYCE CONSTRUCTION FOR A CHANGE OF ZONE FROM R-2 RESIDENTIAL DISTRICT TO R-4 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT NORTH 70TH STREET NORTH OF ADAMS STREET. (IN CONNECTION W/03R-107);

SPECIAL PERMIT 2003 - APPLICATION OF BOYCE CONSTRUCTION TO DEVELOP 32 DWELLING UNITS, WITH A WAIVER OF THE DESIGN STANDARDS TO REDUCE THE REQUIRED STORM SEWER EASEMENT FROM 30' TO 20' ON PROPERTY GENERALLY LOCATED AT NORTH 70TH STREET NORTH OF ADAMS STREET. (In connection w/03-69) - Jerry Boyce, Boyce Construction, 4631 So. 67th Street, came forward to explain his development that he has planned.

J. D. Burt, Design Associates, 1609 N Street, came forward in favor of this project.

Councilman Friendt asked if impact fees will affect this project. Mr. Burt confirmed that they would when Mr. Boyce gets his building permit.

This matter was taken under advisement.

AMENDING THE CORPORATE LIMITS OF THE CITY BY ANNEXING APPROXIMATELY 142 ACRES OF PROPERTY GENERALLY LOCATED NORTHEAST OF N.W. 48TH STREET AND W. HOLDREGE STREET. (In connection w/03-71, 03R-108, 03R-109, 03R-110);

CHANGE OF ZONE 3390 - APPLICATION OF HUBERT H. HALL FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED NORTHEAST OF N.W. 48TH STREET AND W. HOLDREGE STREET. (In connection w/03-70, 03R-108, 03R-109, 03R-110);

APPROVING THE HUB HALL HEIGHTS CONDITIONAL ANNEXATION AND ZONING AGREEMENT BETWEEN HIGHWAY 15, INC., CHARLES GARY GATELY, TRUSTEE, AND THE CITY OF LINCOLN OUTLINING CERTAIN CONDITIONS AND UNDERSTANDINGS WITH REGARDS TO THE ANNEXATION OF APPROXIMATELY 142 ACRES OF LAND GENERALLY LOCATED NORTHEAST OF N.W. 48TH STREET AND NORTH OF HOLDREGE STREET. (IN CONNECTION W/03R-108, 03R-109, 03-70, 03-71);

SPECIAL PERMIT 1995 - APPLICATION OF HUBERT H. HALL TO DEVELOP HUB HALL HEIGHTS COMMUNITY UNIT PLAN FOR 869 DWELLING UNITS ON PROPERTY GENERALLY LOCATED NORTHEAST OF N.W. 48TH STREET AND W. HOLDREGE STREET. (IN CONNECTION W/03R-109, 03R-110, 03-70, 03-71,);

APPROVING AND ACCEPTING THE PRELIMINARY PLAT OF HUB HALL HEIGHTS FOR 356 LOTS AND 5 OUTLOTS WITH WAIVERS TO MODIFY THE LAND SUBDIVISION ORDINANCE TO ALLOW BLOCK LENGTHS TO EXCEED STANDARDS AND PERMIT DOUBLE FRONTAGE LOTS, ON PROPERTY GENERALLY LOCATED NORTHEAST OF N.W. 48TH STREET AND W. HOLDREGE STREET. (IN CONNECTION W/03R-108, 03R-110, 03-70, 03-71) - Hub Hall, 1731 N. 67th St., came forward to explain the development of Hub Hall Heights. He stated he was concerned with the business practice of the city, due to the fact that he just received the conditional agreement and zoning agreement last Friday, which indicates he was to come up with \$1,606,618.00 by Monday.

Councilman Camp asked what price range these lots would be. Mr. Hall indicated that they would be between \$32,000 and \$35,000. He also stated that the plan for the cost of houses to be between \$140,000 to \$160,000.

Mark Hunzeker, 530 S. 13th St., Suite B, came forward representing Mr. Hall. He stated that property is in accordance with the Comprehensive Plan and the improvements of sewer and water are available to this site. However, there is no plan for the improvement of NW 48th Street, abutting this property.

This matter was taken under advisement.

APPROVING THE USE OF PUBLIC RIGHT-OF-WAY FOR THE INSTALLATION OF AN 8" STEAM LINE AND A 4" CONDENSATE LINE UNDER VINE STREET APPROXIMATELY 220 FEET EAST OF THE CENTER LINE OF NORTH 17TH STREET TO PROVIDE STEAM TO ABEL AND SANDOZ RESIDENCE HALLS - Keven Hurr, Univ. of Nebraska, Facilities Management and Planning, 850 N. 17th Street, came forward to explain the project to replace an 8" steam line and a 4" condensate line within the public right-of-way.

Councilwoman McRoy asked if this would interfere with the State Fair. Mr. Hurr stated that this would be done before football season and the actual boring would be under the street.

This matter was taken under advisement.

WAIVING THE REQUIRED PEDESTRIAN WAY EASEMENT AND THE CONSTRUCTION OF A SIDEWALK IN THE EASEMENT WITHIN WILLIAMSBURG VILLAGE 12TH ADDITION ON PROPERTY GENERALLY LOCATED AT SOUTH 40TH STREET AND PINE LAKE ROAD -

Mike Patterson, 3821 Old Dominion Ct., came forward in favor of this waiver.

Councilman Friendt asked Mr. Patterson if he was aware of the easements when he purchased this lot. Mr. Patterson indicated he was not, but he felt responsible that he should have checked it out.

Ray Hill, Planning Dept. came forward to say there was an easement on the original plat. The sidewalk connector was simply not built at the proper time. The Law Dept. recently brought this to the attention of the Developer.

Councilman Svoboda asked if it was wise to put a sidewalk in that area. Mr. Hill stated Public Works and Planning Staff went out and viewed the area and that a sidewalk can be installed without going through the drainage channel.

Nicole Fleck-Tooze, Public Works & Utilities Dept., came forward to clarify the resolution is to waive the requirement for the dedication of the easement and installation of the sidewalk in Lot 8, Block 1 and not for the entire length of the easement. Council Chair Cook asked about the results if passed. Ms. Fleck-Tooze said that there would not be a connection back to Old Dominion Court and you would lose the connection that was providing an easement and pedestrian way to make up for it exceeding the block length from north to south.

Councilman Werner asked if a bus route went along Pine Lake and South 40th Street. Ms. Fleck-Tooze said she would need to check that out.

Dana Roper, City Attorney, came forward to answer questions posed by Councilman Friendt regarding easements. He asked if it was law that the easement be identified as part of the transaction. Mr. Roper stated that this information would have been on file with the Register of Deeds. If he had an attorney examine the title and they perhaps had title insurance, it would state in the title insurance that it is subject to easements of record. Mr. Friendt asked if it would explain what the easements would be. Mr. Roper stated it would be noted on the title insurance.

Coleen Jones, 3820 Old Dominion Court, came forward in favor of this matter. She stated she was advised only of a possible sewer easement under the driveway.

Councilwoman McRoy asked about the amount of trees that she has planted on this easement. Ms. Jones stated she had three trees and Mr. Patterson has 3 or 4 that are within 5' to 6' of his property line. She also stated that the covenants of her neighborhood required them to put trees in.

Councilman Werner asked if the trees were on city property. Ms. Jones said she wasn't sure now. Mr. Hill clarified that the trees were on private property. Mr. Werner asked if the trees would have to be moved. Ms. Jones indicated that these are all pine trees. Mr. Werner asked about the people that are not on Dominion Court and how they would access the trail. Ms. Jones said she thought they would probably go to the Williamsburg or 38th Street access point, or possibly through their yards. Mr. Werner stated that the city encourages use of the paths, and this area exceeds what is normal access.

Councilman Svoboda stated that if a school was involved in this area, then this access would be necessary.

Glenn Cekal, 1420 C St., came forward in opposition to this matter

Councilman Camp stated he had worked with the neighborhood and it is nice to keep some concrete out and beauty of natural grass, etc. Ms. Fleck-Tooze stated there is existing flexibility in the outlot area. Mr. Camp stated he hadn't heard anyone say they wanted the sidewalk. Ms. Fleck-Tooze stated it was their role to provide inter-connectivity and access.

Councilwoman Seng stated that if these are built right away, they seem to be fine, but to wait eight years later, she personally has a problem saying that sidewalk needs to go in there.

Councilman Werner asked who pays for it. Ms. Fleck-Tooze stated that the developer pays for it. She indicated these have been difficult

to track and now we have a better solution to tracking bonds. Mr. Werner also asked if the developer is objecting to this, and Ms. Fleck-Tooze indicated not to her knowledge.

Councilman Svoboda stated we have put improvements in place to track these bonds in a better method and the money is set aside in escrow; if this is not built, is the money then released? Ms. Fleck-Tooze stated that since this is only for Lot 8, the developer is still responsible to build the rest of the sidewalk.

Council Chair Cook asked about the trees that are presently planted. Ms. Fleck-Tooze indicated that it has not been surveyed. Mr. Cook asked if the easement be adjusted around the landscaping. Ms. Fleck-Tooze indicated that a new easement would have to be done to work around the landscaping.

Mr. Patterson returned for rebuttal. He also had a letter from developer, Mr. Bob Hampton, dated April 5, 2003, stating he is also not in favor of putting the sidewalk in.

This matter was taken under advisement.

MISCELLANEOUS BUSINESS

Mike Morosin, 2055 "S" Street, came forward to address a matter about a traffic ticket he had received in February of this year. He passed out copies of the ticket and other printed materials pertaining to himself. (53)

Glenn Cekal, 1420 "C" Street, came forward to talk about what he feels is the malicious prosecution of Mike Morosin. He also stated that he felt the Council was breaking the law regarding the matter related to waiving the pedestrian way easement and construction of sidewalks.

These matters were taken under advisement.

**** END OF PUBLIC HEARING ****

COUNCIL ACTION

LIQUOR RESOLUTIONS

MANAGER APPLICATION OF DOUGLAS B. MORRIS FOR BUGGY BATH EAST L.L.C. DBA "BUGGY BATH CAR WASH EAST" AT 8350 NORTHWOODS DRIVE - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption for approval:

A-82080 WHEREAS, Buggy Bath East L.L.C. dba "Buggy Bath Car Wash East" located at 9350 Northwoods Drive, Lincoln, Nebraska has been approved for a Retail Class "B/K" liquor license, and now requests that Douglas B. Morris be named manager;

WHEREAS, Douglas B. Morris appears to be a fit and proper person to manage said business.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Douglas B. Morris be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Ken Svoboda

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

MANAGER APPLICATION OF DOUGLAS B. MORRIS FOR BUGGY BATH WEST L.L.C. DBA "BUGGY BATH CAR WASH WEST" AT 1502 WEST O STREET - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption for approval:

A-82081 WHEREAS, Buggy Bath East L.L.C. dba "Buggy Bath Car Wash West" located at 1502 West O Street, Lincoln, Nebraska has been approved for a Retail Class "B/K" liquor license, and now requests that Douglas B. Morris be named manager;

WHEREAS, Douglas B. Morris appears to be a fit and proper person to manage said business.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Douglas B. Morris be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Ken Svoboda

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda; NAYS: Werner.

APPLICATION OF J.J. KAT, INC. DBA "BREWSKY'S FOOD & SPIRITS" FOR A CLASS "I" LIQUOR LICENSE AT 201 NORTH 8TH STREET - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption for approval:

A-82082 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of J.J. Kat, Inc. dba "Brewsky's Food & Spirits" for a Class "I" liquor license at 201 North 8th Street, Lincoln, Nebraska, for the license period ending April 30, 2004, be approved with the condition that the premise complies in every respect with all city and state regulations. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Ken Svoboda

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

MANAGER APPLICATION OF BRIAN D. KITTEN FOR J.J. KAT, INC. DBA "BREWSKY'S FOOD & SPIRITS" AT 201 NORTH 8TH STREET - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption for approval:

A-82083 WHEREAS, J.J. Kat, Inc. dba "Brewsky's Food & Spirits" located at 201 North 8th Street, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Brian D. Kitten be named manager;

WHEREAS, Brian D. Kitten appears to be a fit and proper person to manage said business.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Brian D. Kitten be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Ken Svoboda

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

APPLICATION OF DIAN HUA DBA "GOURMET CHINA BUFFET" FOR A CLASS "J" LIQUOR LICENSE AT 5130 NORTH 27TH STREET - PRIOR to reading:

MCROY Moved to place the application of Dian Hua on pending indefinitely.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

REGULAR MEETING
MAY 5, 2003
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AMENDING CHAPTER 2.76 OF THE LINCOLN MUNICIPAL CODE RELATING TO PREGNANCY LEAVE AND REPRIMAND TO BE CONSISTENT WITH FEDERAL REGULATIONS AND TO INCLUDE EMPLOYEES NOT COVERED BY A UNION AGREEMENT - CLERK read the following ordinance, introduced by Ken Svoboda, amending Chapter 2.76 of the Lincoln Municipal Code relating to pregnancy leave and reprimand to be consistent with Federal regulations and to include employees not covered by a union agreement, the second time.

CHANGE OF ZONE 3402 - APPLICATION OF DR. DALE CAPEK FOR A CHANGE OF ZONE FROM R-2 RESIDENTIAL DISTRICT TO O-2 SUBURBAN OFFICE DISTRICT ON PROPERTY GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF SOUTH 48TH AND F STREETS - CLERK read the following ordinance, introduced by Ken Svoboda, for Change of Zone 3402 - Application of Dr. Dale Capek for a Change of Zone from R-2 residential district to O-2 Suburban Office District on property generally located northwest of the intersection of South 48th and F Streets, the second time.

DECLARING APPROXIMATELY 1.2 ACRES OF PROPERTY GENERALLY LOCATED AT THE SOUTHWEST CORNER OF SUPERIOR STREET AND LEWIS AVENUE AS SURPLUS AND AUTHORIZING THE SALE THEREOF - CLERK read the following ordinance, introduced by Ken Svoboda, declaring approximately 1.2 acres of property generally located at the Southwest corner of Superior and Lewis Avenue as surplus and authorizing the sale thereof, the second time.

CHANGE OF ZONE 3396 - APPLICATION OF BOYCE CONSTRUCTION FOR A CHANGE OF ZONE FROM R-2 RESIDENTIAL DISTRICT TO R-4 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT NORTH 70TH STREET NORTH OF ADAMS STREET. (IN CONNECTION W/03R-107) - CLERK read the following ordinance, introduced by Ken Svoboda, for Change of Zone 3396 - Application of Boyce Construction for a Change of Zone from R-2 residential district to R-4 residential district on property generally located at north 70th Street north of Adams Street, the second time.

AMENDING THE CORPORATE LIMITS OF THE CITY BY ANNEXING APPROXIMATELY 142 ACRES OF PROPERTY GENERALLY LOCATED NORTHEAST OF N.W. 48TH STREET AND W. HOLDREGE STREET. (IN CONNECTION W/03-71, 03R-108, 03R-109, 03R-110) - PRIOR to reading:

CAMP Moved to continue public hearing and action on Bill No. 03-70 in two weeks on 05/19/03.

Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

CLERK Read the following ordinance, introduced by Ken Svoboda, amending the corporate limits of the City by annexing approximately 142 acres of property generally located northeast of N.W. 48th Street and W. Holdrege Street, the second time.

CHANGE OF ZONE 3390 - APPLICATION OF HUBERT H. HALL FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED NORTHEAST OF N.W. 48TH STREET AND W. HOLDREGE STREET. (IN CONNECTION W/03-70, 03R-108, 03R-109, 03R-110) - PRIOR to reading:

CAMP Moved to continue public hearing and action on Bill No. 03-71 in two weeks on 05/19/03.

Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

CLERK Read the following ordinance, introduced by Ken Svoboda, for Change of Zone 3390 - Application of Hubert H. Hall for a change of zone from AG Agricultural District to R-3 residential district on property generally located northeast of N.W. 48th Street and W. Holdrege Street, the second time.

RESOLUTIONS

APPROVING THE USE OF PUBLIC RIGHT-OF-WAY FOR THE INSTALLATION OF AN 8" STEAM LINE AND A 4" CONDENSATE LINE UNDER VINE STREET APPROXIMATELY 220 FEET EAST OF THE CENTER LINE OF NORTH 17TH STREET TO PROVIDE STEAM TO ABEL AND SANDOZ RESIDENCE HALLS - CLERK read the following resolution, introduced by Terry Werner, who moved its adoption:

A-82084 WHEREAS, the University of Nebraska - Lincoln has submitted an application for a permit to use the public right-of-way in Vine Street approximately 220 feet east of the centerline of North 17th Street for the installation of an 8" steam line and a 4" condensate line; and

WHEREAS, said applicant has submitted a letter of application and a site plan which are attached hereto, marked as Exhibit "A" and Exhibit "B" respectively, and made a part of this resolution by reference, to use the public right-of-way as above described; and

WHEREAS, said applicant has complied with all of the provisions of Chapter 14.54 of the Lincoln Municipal Code pertaining to such use.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the application aforesaid of the University of Nebraska - Lincoln, hereinafter referred to as "Permittee" to use the public right-of-way in Vine Street approximately 220 feet east of the centerline of North 17th Street, to provide steam to the Abel and Sandoz Residence Halls, is granted as a privilege only by virtue of and subject to strict compliance with the site plan, the letter of application, and the following terms and conditions, to wit:

1. That the permission herein granted is granted as a privilege only, and is subject to all the terms and conditions of Chapter 14.54 of the Lincoln Municipal Code except that the provisions relating to the posting of a continuing bond in the amount of \$5,000 and the filing of a certificate of insurance are waived since Permittee is a governmental entity.

2. That said use shall be in full accordance with the aforesaid application, the site plan filed therewith, and with all applicable City ordinances and regulations.

3. The Permittee, its heirs, successors or assigns shall save and keep the City free and harmless from any and all loss or damages or claims for damages arising from or out of the use of the public way requested herein.

4. That all work done under the authority of this resolution shall be subject to the inspection and approval of the Director of Public Works of the City of Lincoln.

5. This permit may be revoked by resolution of the City Council and after giving of five days written notice to the Permittee by the City Clerk, for the following reasons: (a) failure or neglect of the Permittee to comply with the provisions of Chapter 14.54 of the Lincoln Municipal Code, or any other provisions of the Lincoln Municipal Code or the provisions of the permit; (b) failure to use the space for which the permit was granted for a continuous period of at least six months or (c) upon a determination by the City that the space for which the permit was granted is needed for public use.

Upon revocation of a permit, the Permittee shall forthwith remove or abandon the space for which the permit was granted, together with the removal of any structure at their own cost and expense and return that space to the City of Lincoln, free and clear of all structures or encroachments of any type, at no expense to the City. If the requested removal or abandonment has not been completed within six months after revocation of the permit, the City Council may cause such removal or abandonment to be so done and the cost of such work shall become a lien against the property of the Permittee.

6. The use of the public way herein granted and the terms and conditions of this resolution shall be binding and obligatory upon the above-named Permittee, its successors and assigns.

7. That within thirty (30) days from the adoption of this resolution, and before commencing any construction under the provisions hereof, the above-named Permittee shall file an unqualified written acceptance of all the terms and conditions of this resolution with the City Clerk. Failure to do so will be considered a rejection hereof and all privileges and authorities hereunder granted shall thereupon automatically terminate.

Introduced by Terry Werner

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

WAIVING THE REQUIRED PEDESTRIAN WAY EASEMENT AND THE CONSTRUCTION OF A SIDEWALK IN THE EASEMENT WITHIN WILLIAMSBURG VILLAGE 12TH ADDITION ON PROPERTY GENERALLY LOCATED AT SOUTH 40TH STREET AND PINE LAKE ROAD - CLERK read the following resolution, introduced by Terry Werner, who moved its adoption:

A-82085 WHEREAS, Williamsburg Village 12th Addition final plat was previously approved by the City of Lincoln; and

WHEREAS, one of the conditions of approval of said final plat was the requirement of Lincoln Municipal Code § 26.23.125, requiring that a pedestrian way easement be dedicated when a block exceeds 1000 feet in length; and

WHEREAS pursuant to Lincoln Municipal Code § 26.23.125 a pedestrian way was dedicated over Lot 8, Block 1, Williamsburg Village 12th Addition and pursuant to Lincoln Municipal Code § 26.11.040 a sidewalk was required to be installed within said easement; and

WHEREAS, Michael Patterson has requested a modification to waive said requirements pursuant to § 26.31.010 of the Lincoln Municipal Code; and

WHEREAS, the Planning Commission has reviewed said request and has made recommendations thereon; and

WHEREAS, the City Council finds that the strict application of all requirements would result in actual difficulties or substantial hardship or injustice to the property owner.

NOW, THEREFORE, BE IT RESOLVED by the City of Lincoln, Nebraska:

That the requirement of the Final Plat of Williamsburg Village 12th Addition relating to the dedication of a pedestrian way easement and the installation of a pedestrian sidewalk in the pedestrian way easement in Lot 8, Block 1, Williamsburg Village 12th Addition, is hereby waived; and the Mayor is authorized to execute a Release of Easement on behalf of the City of Lincoln regarding said pedestrian way easement.

All other conditions for approval of the Final Plat of Williamsburg Village 12th Addition shall remain in full force and effect.

Introduced by Terry Werner

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda; NAYS: Werner.

SPECIAL PERMIT 2003 - APPLICATION OF BOYCE CONSTRUCTION TO DEVELOP 32 DWELLING UNITS, WITH A WAIVER OF THE DESIGN STANDARDS TO REDUCE THE REQUIRED STORM SEWER EASEMENT FROM 30' TO 20' ON PROPERTY GENERALLY LOCATED AT NORTH 70TH STREET NORTH OF ADAMS STREET. (IN CONNECTION W/03-69) - PRIOR to reading:

CAMP Moved to delay action on Bill 03R-107 for one week to 5/12/03.

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

APPROVING THE HUB HALL HEIGHTS CONDITIONAL ANNEXATION AND ZONING AGREEMENT BETWEEN HIGHWAY 15, INC., CHARLES GARY GATELY, TRUSTEE, AND THE CITY OF LINCOLN OUTLINING CERTAIN CONDITIONS AND UNDERSTANDINGS WITH REGARDS TO THE ANNEXATION OF APPROXIMATELY 142 ACRES OF LAND GENERALLY LOCATED NORTHEAST OF N.W. 48TH STREET AND NORTH OF HOLDREGE STREET. (IN CONNECTION W/03R-108, 03R-109, 03-70, 03-71) - PRIOR to reading:

CAMP Moved to continue P.H. & Action in two weeks on 5/19/03.

Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

SPECIAL PERMIT 1995 - APPLICATION OF HUBERT H. HALL TO DEVELOP HUB HALL HEIGHTS COMMUNITY UNIT PLAN FOR 869 DWELLING UNITS ON PROPERTY GENERALLY LOCATED NORTHEAST OF N.W. 48TH STREET AND W. HOLDREGE STREET. (IN CONNECTION W/03R-109, 03R-110, 03-70, 03-71,) - PRIOR to reading:

CAMP Moved to continue P.H. & Action in two weeks on 5/19/03.
Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

APPROVING AND ACCEPTING THE PRELIMINARY PLAT OF HUB HALL HEIGHTS FOR 356 LOTS AND 5 OUTLOTS WITH WAIVERS TO MODIFY THE LAND SUBDIVISION ORDINANCE TO ALLOW BLOCK LENGTHS TO EXCEED STANDARDS AND PERMIT DOUBLE FRONTAGE LOTS, ON PROPERTY GENERALLY LOCATED NORTHEAST OF N.W. 48TH STREET AND W. HOLDREGE STREET. (In connection w/03R-108, 03R-110, 03-70, 03-71) - PRIOR to reading:

CAMP Moved to continue P.H. & Action in two weeks on 5/19/03.
Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

PETITIONS & COMMUNICATIONS

FORMAL PAVING PETITION DISTRICT NO. 2625 FOR NORTH 57TH STREET FREMONT TO HARTLEY STREETS, SUBMITTED BY JENNIFER KNOX - CLERK presented said petition which was referred to the Law Dept.

The following were referred to the Planning Dept.:

SPECIAL PERMIT NO. 421D - APP. OF FRANK AND JOAN RALL TO EXPAND LIMITS AND INCREASE DENSITY WITHIN THE SPECIAL PERMIT BY NINE DWELLING UNITS, LOCATED AT 8110 "A" STREET.

SPECIAL PERMIT NO. 2013 - APP. OF PATRICIA BUSH MORTON FOR A DAYCARE CENTER FOR 20 CHILDREN, LOCATED AT 2418 SO. 9TH STREET.

SPECIAL PERMIT NO. 2014 - APP. OF REGAL BUILDING SYSTEMS, INC. TO DEVELOP 61 MULTI-FAMILY UNITS LOCATED AT NORTH 24TH AND DODGE STREETS.

SPECIAL PERMIT NO. 2015 - APP. OF NEBRASKA BROADCASTING, LLC TO CONSTRUCT A RADIO TOWER AT 33RD & GLADSTONE.

REPORTS OF CITY OFFICERS

INVESTMENT OF FUNDS FROM APRIL 21 THROUGH APRIL 25, 2003 - CLERK read the following resolution, introduced by Terry Werner, who moved its adoption:

A-82086 BE IT HEREBY RESOLVED BY THE CITY COUNCIL of the City of Lincoln, Nebraska:

That the attached list of attachments be confirmed and approved, and the City Treasurer is hereby directed to hold said investments until maturity unless otherwise directed by the City Council.

Introduced by Terry Werner

Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

CLERK'S LETTER & MAYOR'S APPROVAL OF ORDINANCES & RESOLUTIONS PASSED BY COUNCIL ON APRIL 21, 2003 - CLERK presented said report which was placed on file in the Office of the City Clerk.

CLERK'S LETTER & MAYOR'S APPROVAL OF ORDINANCES & RESOLUTIONS PASSED BY COUNCIL ON APRIL 28, 2003 - CLERK presented said report which was placed on file in the Office of the City Clerk.

REPORT OF LINCOLN ELECTRIC SYSTEM OF THEIR 2002 ANNUAL REPORT - CLERK presented said report which was placed on file in the Office of the City Clerk. (3)

REPORT OF LINCOLN WATER & WASTEWATER SYSTEM RECAPITULATION OF DAILY CASH RECEIPTS FOR APRIL 2003 - CLERK presented said report which was placed on file in the Office of the City Clerk. (8-71)

REGULAR MEETING
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REPORT OF CITY TREASURER OF TELECOMMUNICATIONS OCCUPATION TAX FOR THE MONTH OF JANUARY - MARCH, 2003: FAST PHONES OF NEBRASKA, CORP.; FOR THE MONTH OF MARCH, 2003: D & D COMMUNICATIONS, INC.; SPRINT SPECTRUM, L.P.; WWC LICENSE LLC; SPRINT COMMUNICATION COMPANY LIMITED PARTNERSHIP; NORSTAN NETWORK SERVICES, INC.; MCI WORLDCOM NETWORK SERVICE, INC.; NETWORK BILLING SYSTEMS, LLC; TELCO DEVELOPMENT GROUP DE INC.; AND EXCEL TELECOMMUNICATIONS, INC. -CLERK presented said report which was placed on file in the Office of the City Clerk. (20)

ORDINANCES - 1ST READING

APPROVING A LEASE AGREEMENT BETWEEN THE CITY AND CATERPILLAR FINANCIAL SERVICES FOR A THREE-YEAR LEASE OF A FOUR-WHEEL ARTICULATED FRAME LOADER FOR USE BY THE PARKS AND RECREATION DEPARTMENT IN CONSTRUCTION AND MAINTENANCE PROJECTS - CLERK read the following ordinance, introduced by Terry Werner, approving a lease agreement between the City and Caterpillar Financial Services for a three-year lease of a four-wheel articulated frame loader for use by the Parks and Recreation Department in construction and maintenance projects, the first time.

CHANGE OF ZONE 3392 - APPLICATION OF ASPEN BUILDERS FOR A CHANGE OF ZONE FROM AGR AGRICULTURAL RESIDENTIAL TO R-3 RESIDENTIAL ON PROPERTY GENERALLY LOCATED AT S.W. 27TH STREET AND WEST "A" STREET - CLERK read the following ordinance, introduced by Terry Werner, for Change of Zone 3392 the application of Aspen Builders for a Change of Zone from AGR Agricultural residential to R-3 Residential on property generally located at S.W. 27th Street and West "A" Street, the first time.

APPROVING A FOUR-YEAR AGREEMENT BETWEEN THE CITY AND ALLTEL FOR A 911 ANI/ALI DATABASE, SERVICE AND MAINTENANCE OF EQUIPMENT AT THE 911 COMMUNICATIONS CENTER, AND E-911 DISASTER RECOVERY - CLERK read the following ordinance, introduced by Terry Werner, approving a four-year agreement between the City and Alltel for a 911 Ani/Ali Database Service and maintenance of equipment at 911 Communications Center, and E-911 Disaster Recovery, the first time.

APPROVING A TRANSFER OF FUNDS WITHIN THE PARKS AND RECREATION DEPARTMENT CIP FOR INSTALLATION OF ADDITIONAL AREA LIGHTS IN OAK LAKE PARK PRIOR TO THE 4TH OF JULY FESTIVITIES AND TO ALLOW A VEGETATIVE GRASS COVER TO BE ESTABLISHED ON RECENTLY ACQUIRED PARK LAND LOCATED SOUTHEAST OF CODDINGTON AVENUE AND WEST VAN DORN STREET - CLERK read the following ordinance, introduced by Terry Werner, approving a transfer of funds within the Parks and Recreation Department CIP for installation of additional area lights in Oak Lake Park prior to the 4th of July Festivities and to allow a vegetative grass cover to be established on recently acquired park land located southeast of Coddington Avenue and West Van Dorn Street, the first time.

ORDINANCES - 3RD READING

AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF REVENUE BONDS OF THE SANITARY SEWER SYSTEM OF THE CITY OF LINCOLN - CLERK read the following ordinance, introduced by Ken Svoboda, authorizing and providing for the issuance of revenue bonds of the sanitary sewer system of the City of Lincoln, the third time.

SVOBODA Moved to pass the ordinance as read.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

The ordinance being numbered #18171 is recorded in Ordinance Book No.259, Page

AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$55,000,000
AGGREGATE PRINCIPAL AMOUNT OF LINCOLN SANITARY SEWER SYSTEM REVENUE AND
REFUNDING BONDS, AND RELATED MATTERS - CLERK read the following
ordinance, introduced by Ken Svoboda, authorizing and providing for the
issuance of not to exceed \$55,000,000 aggregate principal amount of
Lincoln Sanitary Sewer System Revenue and Refunding Bonds and related
matters, the third time.

SVOBODA Moved to pass the ordinance as read.

Seconded by Seng & carried by the following vote: AYES: Camp,
Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

The ordinance being numbered #18172 is recorded in Ordinance Book No.259, Page

AMENDING CHAPTER 4.62 OF THE LINCOLN MUNICIPAL CODE TO ESTABLISH A POLICE AND
FIRE PENSION PLAN BOARD OF TRUSTEES TO PROVIDE OVERSIGHT AND DIRECTION
WITH REGARD TO THE INVESTMENT OF THE ASSETS OF THE POLICE AND FIRE
PENSION PLANS - PRIOR to reading:

FRIENDT Moved to place Bill No. 03-65 on pending indefinitely.

Seconded by McRoy & carried by the following vote: AYES: Camp,
Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

CLERK Read the following ordinance, introduced by Coleen Seng, amending
Chapter 4.62 of the Lincoln Municipal Code to establish a Police and
Fire Pension Plan Board of Trustees to provide oversight and direction
with regard to the investment of the assets of the Police and Fire
Pension Plans, the third time.

MISCELLANEOUS BUSINESS

PENDING -

CAMP Moved to extend the Pending List to May 12, 2003.

Seconded by Svoboda & carried by the following vote: AYES: Camp,
Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

UPCOMING RESOLUTIONS -

CAMP Moved to approve the resolutions to have Public Hearing on
May 12, 2003.

Seconded by Svoboda & carried by the following vote: AYES: Camp,
Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

ADJOURNMENT

3:30 P.M.

CAMP Moved to adjourn the City Council meeting of May 5, 2003.

Seconded by Svoboda & carried by the following vote: AYES: Camp,
Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.
So ordered.

Joan Ross, City Clerk

Glenna Graupmann, Senior Office Assistant

